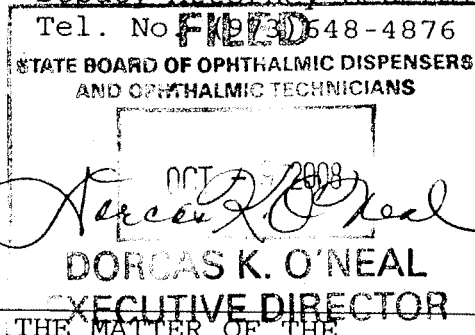


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Attorney for the Board of
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Ophthalmic Technicians

pd 10/07/08
MO # 11909420695
\$ 250.00

By: Susan C. Berger
Deputy Attorney General



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF OPHTHALMIC DISPENSERS AND
OPHTHALMIC TECHNICIANS

IN THE MATTER OF THE
SUSPENSION OR REVOCATION OF
THE PERMIT OF

Administrative Action

JONATHAN BARAN
Permit No. AD-6598

CONSENT ORDER

TO PRACTICE AS AN APPRENTICE
AS AN OPHTHALMIC DISPENSER
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians (the "Board") upon review of an inspection report from the Division of Consumer Affairs, Enforcement Bureau which alleged that Mr. Jonathan Baran, worked as an apprentice ophthalmic dispenser at Costco Optical, 80 South River Road, Hackensack, New Jersey, a premise without the minimum required optical equipment, in violation of N.J.A.C. 13:33-3.5 and wore a name tag that did not include his license status and his permit number, in violation of N.J.A.C. 13:33-5.3.

Respondent appeared pro se before a Committee of the Board on August 11, 2008 and testified that he worked at Costco Optical from January 2007 until August 2008 as an apprentice ophthalmic dispenser. He admitted that he wore a name tag that listed his title as "optical" and that the name tag did not state his license status nor his permit number. Respondent testified that he responded "no" to the question on the permit application whether there was a laboratory on premises and despite his negative but truthful answer, he was improperly granted a permit to work as an apprentice ophthalmic dispenser at Costco Optical. Respondent testified that he ceased working as an apprentice ophthalmic dispenser at Costco Optical because the establishment is not equipped with the optical equipment required for establishments where apprentices are registered.

Having reviewed the entire record, including the inspection report, respondent's application for a permit and his testimony, the Board found that respondent failed to wear an appropriate name tag with his license status and his permit number, in violation of N.J.A.C. 13:33-5.3. Since respondent was granted a permit to work in an establishment without the required optical equipment in error, and as he has ceased working as an apprentice ophthalmic dispenser, the Board does not find it necessary to determine whether respondent was in violation of N.J.A.C. 13:33-3.5.

It appearing that the parties desire to resolve this matter without recourse to formal proceedings, and respondent waiving any right to a hearing and for good cause shown,

IT IS ON THIS _____ DAY OF _____, 2008

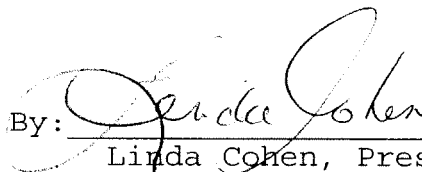
HEREBY ORDERED AND AGREED THAT:

1. Respondent shall immediately cease and desist when working as an apprentice ophthalmic dispenser from failing to wear a name tag, which shall be clearly visible to the patient at all times and which shall bear his first name or initial, his full second name, his license or permit number, and the level of his license, in violation of N.J.A.C. 13:33-5.3.
2. Respondent shall immediately cease and desist from working as an apprentice ophthalmic dispenser in any establishment without the minimum optical equipment listed in N.J.A.C. 13:33-5.
3. Within six (6) months of the filing of the within Consent Order, respondent shall file a new application for an apprentice ophthalmic dispenser permit, including the name of his new preceptor and stating that the establishment has the minimum optical equipment listed in N.J.A.C. 13:33-3.5.
4. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22 and 45:1-25, in the amount of \$250.00 for wearing a name tag, in violation of N.J.A.C. 13:33-5.3. The civil penalty of \$250.00 shall be paid simultaneously with the signing of the within order. Payment of the civil penalty shall be submitted by certified check or money order made payable to the

State of New Jersey and sent to Dorcas O'Neal, Executive Director, New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians, P.O. Box 45011, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

4. Failure to remit any payment as required by this Consent Order will result in the filing of a Certificate of Debt, and such collection and other proceedings as permitted by law. Failure to comply with any provision of this Order may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF OPHTHALMIC
DISPENSERS AND OPHTHALMIC TECHNICIANS

By: 
Linda Cohen, President

I have read and understand
this Consent Order and agree
to be bound by its terms. I
consent to the entry of this
Order.


Jonathan Baran